

# Cut Card

## Contention 1: Breaking the Black Market

**Since the passage of the Brady Act in 1993, which required all federally licensed gun retailers to enforce background checks, criminals have been unable to simply walk into a store and buy a firearm. Instead, most take two other options:**

**Webster 13** Daniel W. Webster, ScD, MPH, is a professor in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. Jon S. Vernick, JD, MPH, is an associate professor and associate chair in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. Emma E. McGinty, MS, is a research assistant and fourth-year PhD candidate in Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. Ted Alcorn, MA, MHS, is a senior policy analyst in the Office of the Mayor of New York City, 2013 “Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws,” Johns Hopkins University Press //DF

Data on guns recovered by police and traced by the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF) have indicated that about 85% of criminal possessors were not the retail purchaser (Bureau of Alcohol, Tobacco and Firearms 2002). This is consistent with our analysis of data from the most recent (2004) Survey of Inmates in State Correctional Facilities (SISCF) to determine the source for the handguns acquired by the 1,402 inmates incarcerated for an offense committed with a handgun. **The largest proportions of offenders got their handguns from friends or family members (39.5%) or from street or black market suppliers (37.5%), sales for which there are no federal background check requirements.** Licensed gun dealers were the direct source for 11.4% of the gun offenders. One in 10 offenders in our sample reported that they had stolen the handgun that they used in their most recent crime. Handgun acquisitions by offenders at gun shows and flea markets were rare (1.7 %).

**This present a problem, since criminals can circumvent existing background checks through these means.**

**However, a universal background check would choke off criminal’s access to guns in two ways.**

**According to Krouse at the CRS in 2013:**

**Krouse 13** William J. Krouse [Specialist in Domestic Security and Crime Policy], 3-1-2013 “Gun Control Proposals in the 113th Congress: Universal Background Checks, Gun Trafficking, and Military Style Firearms,” Congressional Research Service //DF

**A “straw purchase” occurs when an individual poses as the actual transferee, but he is actually acquiring the firearm for another person. In effect, he serves as an illegal middleman.** As part of any firearms transfer from an FFL to a private person, the GCA requires them to fill out jointly an ATF Form 4473. In addition, the FFL is required to verify the purchaser’s name, address, date of birth, and other information by examining a government-issued piece of identification, most often a driver’s license. Among other things, **the purchaser attests on the ATF Form 4473 that he is not a prohibited person, and that he is the “actual transferee/buyer.”**<sup>39</sup> Hence, straw purchases are known as “lying and buying for the

**other guy.**" Straw purchases are illegal under two provisions of the GCA. If the purchaser makes any false statement to a FFL with respect to any fact material to the lawfulness of a prospective firearms transfer, it is a federal offense punishable under 18 U.S.C. 922(a)(6). This provision also captures misrepresentations such as presenting false identity documents. Violations are punishable by up to 10 years' imprisonment. 40 It is also illegal for any person knowingly to make any false statement with respect to the records that FFLs are required to maintain under 18 U.S.C. §924(a)(1)(A). This provision, however, also captures misrepresentations related to licensure and other benefits under the GCA. Violations are punishable by up to five years' imprisonment.41 Straw purchases, however, are not easily detected, because their illegality only becomes apparent when the straw purchaser's true intent is revealed by a subsequent transfer to the actual buyer (third party). In many cases, the actual buyer may be a prohibited person, who would not pass a background check. Under such a scenario, if the straw purchaser knew or had reasonable cause to know the actual transferee was a prohibited person, he would also be in violation of 18 U.S.C. §922(d), for which the penalty is up to 10 years' imprisonment.42 It would also be a violation for the prohibited person to possess or receive the firearm under 18 U.S.C. §922(g), for which the penalty is also up to 10 years' imprisonment.43

## These transfers account for most of gun trafficking sources

**Everytown 08** Mayors Against Illegal Guns, 4-15-2008, "Inside Straw Purchasing: How Criminals Get Guns Illegally," EverytownResearch.org,

<https://everytownresearch.org/reports/inside-straw-purchasing-criminals-get-guns-illegally/> //DF

Looking at trace information from 1998, the ATF found that "a small group of dealers accounts for a disproportionately large number of crime gun traces."4 More than 85 percent of dealers in the U.S. had no crime guns traced to them at all in 1998, while about 1 percent of licensed firearm dealers accounted for 57 percent of traces that same year.5 The ATF also concluded that "sales volume alone cannot be said to account for the disproportionately large number of traces associated with those dealers."6 Guns get from dealers to criminals in part through trafficking. "ATF's trafficking investigations show that trafficked firearms are diverted to prohibited persons and are subsequently used in serious crimes," according to an ATF report.7 In trafficking investigations between 1996 and 1998, 25 percent involved guns used in an assault and 17 percent involved guns used in homicides.8 Nearly 5 million Americans were victims of violent crimes committed with firearms between 1993 and 2005.9 The ATF examined gun-trafficking investigations from July 1996 to December 1998 and found that 46 percent of trafficking investigations during this period involved straw purchasers.10 This was nearly double the percentage of the next closest source.

## Criminals currently exploit the lack of background checks on private sales to get away with straw purchases. Kessler at Third Way in 2013 explains:

**Kessler 13** Jim Kessler, 1-30-2013, "Would Universal Background Checks Make a Difference?," Third Way, <http://www.thirdway.org/memo/would-universal-background-checks-make-a-difference> //DF

As George Costanza said, "it's not a lie if you believe it's true." **Under current law, it is illegal for a private individual to sell to felons, minors, and other prohibited buyers—but ONLY if it can be proven that the seller knew the buyer was a member of a prohibited class.15 That standard is so high that a person is only slightly more likely to be prosecuted under this statute than they are to be attacked by an alligator.16 This free pass to sell to anyone using the defense that "I didn't know he was an ex-con" is the lubricant that makes the shadow market in crime guns flow. A simple background check requirement would eliminate the high bar of "knowing" and would make all sales occur under the same set of rules, instead of creating a speedy self-checkout line for those who want to avoid a background check.**

**A universal background check system would change the game. It would require that all sales, including ones between straw purchasers and criminals, have a background check. With a universal system, prosecuting an illegal straw purchase would become much easier. Webster at the New Republic in 2014 writes:**

**Webster 14** Daniel Webster, 6-25-2014, "Guns Kill People. And If We Had Universal Background Checks, They Wouldn't Kill So Many.," New Republic,

<https://newrepublic.com/article/118286/facts-about-gun-control-and-universal-background-checks//>

DF

When criminals get guns, they get them from friends, family, or from an underground market source. Without universal background check requirements, there is little deterrent to selling guns to criminals or gun traffickers. State laws mandating universal background checks deter the diversion of guns to criminals. The most comprehensive screening and background check processes, where potential gun purchasers apply in person for permits to purchase handguns, are associated with lower homicide and suicide rates. But won't there still be a whole bunch of guns out there, being sold illegally and falling into the hands of criminals? Yes, some criminals will be able to steal or purchase guns already in circulation. But many of the estimated 300 million guns in civilian hands can't be easily acquired by criminals. Lots of gun owners lock their guns in safes or have other ways to secure their firearms, practices that can be increased by laws and educational campaigns. And it's not as easy or risk free for criminals to buy guns in the underground market as is commonly believed. Duke economist Philip Cook has studied Chicago's underground gun market and said, "there may be a lot of guns, but there is a shortage of trusted sellers." With greater accountability measures and choking the supply of new guns into the underground market, street prices will rise and fewer dangerous people will have guns.

**This is critical in reducing access to illegal guns. Gerney at the CAP in 2013 explains:**

**Gerney 13** Arkadi Gerney and Chelsea Parsons, 12-13-2013, "The Gun Debate 1 Year After Newtown," Center for American Progress,

<https://www.americanprogress.org/issues/guns-crime/reports/2013/12/13/80795/the-gun-debate-1-year-after-newtown/> //DF

Additionally, requiring background checks for all guns sales would dramatically shrink the size of the market for guns available for sale without a background check. If background checks were required for all gun sales, including those by private sellers, prohibited purchasers would no longer be able to easily buy guns at gun shows, on the Internet, or through other sales by well-intentioned, law-abiding private sellers. Instead, the only option for criminals to acquire guns would be through the black market or theft. Contrary to the assertion of many in the gun lobby, obtaining guns on the black market is not particularly easy and comes with high risk. Closing off other channels to acquire guns without a background check would therefore make it much more difficult for criminals to easily obtain guns when they cannot submit to a background check.

**Reducing access to guns forces criminals on an expensive black market**

**Cook 95** Philip J. Cook [PhD, Duke University Durham, North Carolina], 1995, "Regulating Gun Markets," Journal of Criminal Law and Criminology //DF

If effective regulation could make it more difficult for youths and criminals to buy guns from dealers, two notable consequences would result. First, one of the leaks in the regulatory system which helps to supply proscribed individuals would be plugged. Second, the total number of guns in circulation would decrease. In the secondary market, demand would increase as a first consequence and supply would fall as a second consequence. Basic economics

**predicts that prices would then rise, thus encouraging youths and others to economize on gun possession.**

**Empirically, higher gun prices have been shown to lower the number of guns accessed.**

**Bice 02** DOUGLAS C. BICE and DAVID D. HEMLEY [Eastern New Mexico University], 2002, “THE MARKET FOR NEW HANDGUNS: AN EMPIRICAL INVESTIGATION,” *Journal of Law and Economics* //DF

Annual data from 1961–94 are used to estimate a supply and demand model for the new handgun market. The influence of price, income, expenditures on police protection, the violent crime rate, the Gun Control Act of 1968, and the Brady Handgun Violence Prevention Act of 1993 on the number of new handguns per capita is explored. **The demand for handguns is elastic; a 1 percent increase in the price of handguns lowers the quantity demanded by 2–3 percent.** Further, the demand for handguns is sensitive to the price of other firearms, such as shotguns, to per capita expenditures on law enforcement, and to the lagged violent crime rate. The demand for new handguns increased in the period preceding implementation of the Gun Control Act and the Brady Act. Finally, implementation of the Gun Control Act of 1968 does not appear to have significantly impacted the supply of new handguns.

**Universal background checks have been shown to work in reducing gun trafficking. In 2007, Missouri repealed a universal background check. Webster studied the effect this repeal had on trafficking. After controlling for numerous variables, he found:**

**Webster 14** Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick [Johns Hopkins Center for Gun Policy and Research], 2014, “Effects of the Repeal of Missouri’s Handgun Purchaser Licensing Law on Homicides,” *Journal of Urban Health*, 10.1007/s11524-014-9865-8 //DF

This study provides compelling evidence that the repeal of Missouri’s PTP handgun licensing law, which required all handgun purchasers to pass a background check even for purchases from private sellers, contributed to a sharp increase in Missouri’s homicide rate. Our estimates suggest that the law was associated with an additional 55 to 63 murders per year in Missouri between 2008 and 2012 than would have been forecasted had the PTP handgun law not been repealed. Our analyses ruled out several alternative hypotheses to explain the relatively large and highly statistically significant increase in firearm homicides in Missouri following the repeal of its PTP handgun licensing law. **We controlled for changes in unemployment, poverty, policing levels, incarceration rates, trends in crime reflected in burglary rates, national trends in homicide rates, and several kinds of other laws that could affect homicides. That Missouri’s sharp increase in firearm homicides was unique within the region,** specific to firearms, and was observed in metropolitan jurisdictions across Missouri suggests that unmeasured unique local circumstances (e.g., gang activity and changes in social norms) **are unlikely to have biased our estimates of the impact of the policy change.** Estimates of the effects of the repeal of Missouri’s PTP handgun law were similar for firearm homicides and total homicides using death certificate data for 43 states through 2010, and for murders and non-negligent manslaughters using police reports for all 50 states through 2012. This suggests that the data source and time period studied are unlikely to have biased the findings. Causal inferences from quasi-experimental studies can be strengthened with empirical evidence supporting the proposed causal chain between the intervention, mediators, and the outcomes under study. Handgun purchaser licensing and universal background checks are hypothesized to affect homicide rates by reducing gun diversions to criminals and other prohibited groups. The evidence that Missouri’s increase in firearm homicides was fueled by the state’s repeal of its PTP law is bolstered by data indicating that **the repeal was immediately followed by a twofold increase in the percentage of crime guns that were recovered by police soon after the guns’ retail sales and an unusually large increase in the percentage of Missouri’s crime guns that had been purchased from Missouri gun dealers.**<sup>9</sup> These findings are consistent with prior research showing that states that regulated handgun sales by unlicensed sellers had fewer guns diverted to criminals shortly after in-state retail sales,<sup>8</sup> and that **states with the most comprehensive handgun sales laws including PTP licensing requiring direct interface with law enforcement have proportionately fewer guns used in crime that were originally sold by in-state retailers.**<sup>28, 29</sup> Having a large percentage of crime guns that originate from out-of-state sales, as was the case in Missouri prior to the repeal of its PTP law, is indicative of a restricted supply of guns available to criminals from in-state sources. **Restrictions from local**

suppliers increase prices in the underground gun market and attract suppliers from states with fewer legal impediments to gun diversion.<sup>30, 31</sup> The weakening of Missouri's gun laws may have also contributed to gun trafficking to border states that regulate handgun sales by all sellers via PTP licensing.

The number of guns sold in Missouri and later recovered by police in Illinois and Iowa, two border states with handgun purchaser licensing laws, increased 37 % (from 133 to 182) from 2006 (just before Missouri's PTP law was repealed) to 2012 when the overall number of crime guns recovered by police in those states actually declined by 6 %.

**Second, it would stop state spillover.**

**There is a great disparity of background checks in states. Some already have universal background checks, while some do not. In states with universal checks, where the supply of guns is limited, criminals are forced to traffic guns from out-of-state. The Economist in 2015 writes:**

No Author (The Economist). "Why America doesn't have universal background checks for gun-buyers." Nov 6, 2015.

<https://www.economist.com/blogs/economist-explains/2015/11/economist-explains-0> HS.

The politically powerful National Rifle Association and other pro-gun groups oppose universal background checks or indeed any law that could restrict gun sales. They invoke the Second Amendment of 1791, which protects "the right of the people to keep and bear arms". And they argue that guns prevent crime. After one particularly horrific mass-shooting, the killing of 20 small children and six adults at Sandy Hook Elementary School in Connecticut in 2012, Wayne LaPierre, the boss of the NRA, declared that school employees should have been armed because "the only thing that stops a bad guy with a gun is a good guy with a gun". As the NRA and other pro-gun lobbies seem to be able to intimidate Congress to an extent that it won't try again to pass a law to tighten gun legislation any time soon, several states passed their own stricter gun laws. New York, California, Massachusetts, Illinois, Rhode Island and Maryland have some of the strictest gun laws in the country. Several of these states require background checks at private sales. And even though studies show that the rates of murders and suicides are lower in states with strict gun laws, these states could be doing even better if it weren't for their neighbours with lax gun laws. Illinois, for instance, borders Wisconsin and Indiana, two states with hardly any restrictions on gun sales. In Chicago, which has especially restrictive gun laws, more than half of the guns confiscated by police come from out-of-state. No wonder then that Chicago's police chief is one of the most vocal advocates of universal nation-wide background checks for gun buyers.

**Henigan 16** Dennis A. Henigan, 11-22-2016, "What The NRA Wants (And What To Do About It)," HuffPost, <span

class="skimlinks-unlinked">[https://www.huffingtonpost.com/dennis-a-henigan/what-does-the-nra-want-b\\_13135086.html](https://www.huffingtonpost.com/dennis-a-henigan/what-does-the-nra-want-b_13135086.html)//DF

But the Tiahrt Amendments still allow law enforcement access to the trace database. The database recently was used in a report issued by New York Attorney General Eric Schneiderman showing that three out of every four guns traced to crime in New York State, during the period 2005-2010, originated with gun dealers in other states, primarily from states with weak gun laws, like Virginia, the Carolinas, Florida and Georgia. This pattern suggests that strong state gun laws, as in New York, make it harder for criminals to get guns, making it necessary for the illegal market in those states to be supplied by dealers in states with weak gun laws. This interstate movement of guns into crime also argues for stronger federal gun laws to prevent the states with weak gun laws from undercutting the strong laws of other states. Thus, the gun lobby has more than enough reason to suppress the ATF data by even further limiting its use by law enforcement authorities.

**This imbalance in state background checks is a deadly problem, since it undermines the effectiveness of certain state policies. For example, Whitcomb at Reuters in 2017 reports:**

**Whitcomb 17** Dan Whitcomb, 10-23-2017, "Nevada gun shows tied to firearm violence in California: study," U.S.,

<https://www.reuters.com/article/us-usa-guns-study/nevada-gun-shows-tied-to-firearm-violence-in-california-study-idUSKBN1CS2P8//DF>

**Firearms-related deaths and injuries increased 70 percent in parts of California in the weeks after gun shows in neighboring Nevada, which has fewer regulations** on such events, a University of California, Berkeley study released on Monday found. The research could help prevent gun deaths by charting a pattern between where weapons are purchased at gun shows and where shootings take place, according to the authors. The study, which was partly funded by the National Institutes of Health, examined firearm injury rates before and after California and Nevada gun shows between 2005 and 2013 in areas of California near the shows. Researchers found that rates of firearm injuries were steady after California gun shows but increased significantly, from 0.67 to 1.14 per 100,000 people, in California regions near the Nevada shows. The authors of the study, which will be published in an upcoming issue of *Annals of Internal Medicine*, say **California's stricter gun regulations could help explain why there was an increase after Nevada gun shows and not California shows**. Another possible explanation for the difference is that **California gun buyers are bypassing that state's 10-day waiting period by driving into Nevada to make their purchase**.

"Better understanding the long-term effects of gun show policies, and the patterns of acquisition and use of firearms, would provide important evidence to inform future efforts to prevent firearm injuries," the study concludes. The new research comes just weeks after wealthy retiree and gambler Stephen Paddock opened fire on an outdoor music festival on the Las Vegas strip, killing 58 people before taking his own life. A gun show scheduled for Las Vegas later that week was canceled in the aftermath of the massacre. An editorial accompanying the study called on Congress to fund more research into the way public policy affects firearms-related injuries and deaths. "The recent mass shooting in Las Vegas, Nevada, was a painful reminder that injuries and deaths resulting from access to guns continue to bedevil many parts of U.S. society," said Ali Rowhani-Rahbar and Frederick Rivara of the University of Washington, who were not involved in the study.

**However, under a nationwide universal background check, every state would be subject to the same level of gun regulation. Criminals would no longer be able to traffic guns across state lines, so their access to guns would greatly decrease.**

**Overall, Kalsean at Boston University in 2016 finds:**

Bindu Kalesan (School of Public Health at Boston University/Lancet Public Health Journal). "Firearm legislation and firearm mortality in the USA: a cross-sectional, state-level study." March 10, 2016. <https://www.ncbi.nlm.nih.gov/pubmed/26972843>

The nine laws associated with an increase in the risk of firearm-related deaths were a requirement for the dealer to report records to the state for retention, allowing police inspection of stores, limiting the number of firearms purchased, a 3-day limit for a background-checks extension, background checks or permits during gun shows in states without universal background-check requirement (ie, closure of the gun show loophole), integrated or external or standard locks on firearms, a ban or restrictions placed on assault weapons, law enforcement discretion permitted when issuing concealed-carry permits, and stand-your-ground. In 2009, of four analysed states (Alaska, Florida, California, and New York), Alaska had only stand-your ground (a permissive law), low unemployment, and the highest rates of firearm ownership, non-firearm homicide, and export, with an overall firearm mortality rate in 2009 of 14.9 per 100000 people (table 2). Using the 2009 data and the overall firearm mortality rate of 20.27 per 100000 people in 2010, the predicted IRR was 2.74 (95% CI 2.29–3.30). **Predicted firearm mortality risk would be reduced the most with laws for** firearm identification (by 84%), **universal background checks (by 61%)**, and ammunition background checks (by 82%). In 2009, Florida had stand-your-ground and CAP laws, and an overall firearm mortality of 12.5 per 100000 people. In 2010, the overall mortality was 12.06 per 100 000 people (IRR 2.09 [95% CI 1.84–2.37]), and predicted risk of firearm mortality would be reduced the most by firearm identification (by 66%) and ammunition background-check laws (by 63%). In 2009, California had 20 firearm laws (seven associated with reduced mortality, eight associated with increased mortality, and five inconclusive), and overall mortality of 8.37 per 100000 people. In 2010, overall mortality was 7.88 per 100000 (IRR 1.36 [95% CI 1.20–1.54]); predicted risk of firearm mortality would be reduced the most by laws implementing owner theft reporting (by 26%) and ammunition background checks (by 76%). New York had 15 firearm laws in 2009 (five associated with reduced mortality, six associated with increased mortality, and four inconclusive), and an overall firearm mortality of 4.96 per 100000 people. Overall mortality in 2010 was 5.22 per 100000 people (IRR 0.90 [95% CI 0.79–1.01]), and the laws that would reduce predicted firearm mortality risk the most were universal background checks (by 65%) and ammunition background checks (by 84%; data for the remaining 46 states are in the appendix). Table 3 presents the change in national firearm mortality rate with federal-level implementation of the three firearm laws most strongly associated with reduced mortality. With 2009 overall firearm mortality at the national rate, **if a law for universal background checks was implemented federally, overall firearm mortality could reduce from**

**10.35 to 4.46 per 100,000 (57% reduction).** Similarly, in the presence of federal ammunition background checks, overall firearm mortality could decrease to 1.99 per 100,000 (81% reduction), and with firearm identification requirements to 1.81 per 100,000 (83% reduction). On the basis of our model, federal implementation of all three laws could reduce national overall firearm mortality to 0.16 per 100,000. When the results of the adjusted analysis were stratified for homicide and suicide, they showed that six laws were associated with a significant reduction in firearm-related homicide deaths, the largest reduction with background checks for ammunition and firearm identification (table 4). Five laws were associated with increased homicide deaths and 14 had inconclusive associations. Firearm identification and permit processes involving law enforcement were associated with reductions in firearm-related suicide deaths, but three laws were associated with an increase and the remaining 20 were inconclusively associated. Results of the sensitivity analyses of effectiveness of firearm law classifications on overall, homicide, and suicide firearm-related deaths, and firearm laws on the change in firearm-related mortality rate from 2008 to 2010, were similar to the main findings (appendix).

## **Ready to Read**

**We affirm, resolved: The United States should require universal background checks for all gun sales and transfers of ownership.**

**Our second contention is stopping gun trafficking.**

**A universal background check would choke off criminals' access to guns in two ways.**

**First, it would reduce straw purchases.**

**Krouse at the CRS in 2013 explains:**

**A "straw purchase" occurs when an individual poses as the actual transferee, but they are actually acquiring the firearm for another person. In effect, they serve as an illegal middleman.**

**Such transfers are the largest source of guns to criminals. According to Everytown: 46 percent of trafficking involved straw purchasers. This was nearly double the percentage of the next closest source.**

Criminals currently exploit the lack of background checks on private sales to get away with straw purchases. Kessler at Third Way in 2013 explains:

It is currently illegal for a private individual to sell to felons, but only if it can be proven that the seller knew the buyer was prohibited. That standard is so high that a person is more likely to be prosecuted under this statute than they are to be attacked by an alligator. This free pass to sell to criminals is the lubricant that makes the shadow market in crime guns flow.

A universal background check system would change the game. It would require that all sales, including ones between straw purchasers and criminals, have a background check. With a universal system, prosecuting an illegal straw purchase would become much easier. Webster at the Johns Hopkins School of Public Health in 2014 writes: universal background checks deter the diversion of guns to criminals.

Second, it would stop state spillover.

There is a great disparity of background checks in states. Some already have universal background checks, while some do not. In states with universal checks, where the supply of guns is limited, criminals are forced to traffic guns from out-of-state. This imbalance in state background checks is a deadly problem, since it undermines the effectiveness of certain state policies if criminals can just get weapons from the next state over. For example, Whitcomb at Reuters in 2017 reports:

Firearms-related deaths increased 70 percent in California in the weeks after gun shows in neighboring Nevada, which has fewer regulations.

However, under a nationwide universal background check, every state would be subject to the same level of gun regulation. Criminals would no longer be able to traffic guns across state lines, so their access to guns would greatly decrease.



Reducing access to guns forces criminals on an expensive black market. Cook at Duke University in 1995 writes:

If effective regulation could make it more difficult for criminals to buy guns from dealers, the total number of guns in circulation would decrease. In the black market, demand would increase and supply would fall. Basic economics predicts that prices would then rise, encouraging criminals to decrease gun possession.

Empirically, higher gun prices have been shown to lower the number of guns accessed. Bice at Eastern New Mexico University in 2002 finds:

a 1 percent increase in the price of handguns lowers the quantity demanded by 2–3 percent.

Universal background checks have been shown to work in reducing gun trafficking. In 2007, Missouri repealed a universal background check. Webster studied the effect this repeal had on trafficking. After controlling for numerous variables, he found:

the repeal was immediately followed by a twofold increase in the percentage of crime guns that were recovered by police soon after the guns' sales.

Overall, Kalesan at Boston University in 2016 finds:

If a law for universal background checks were implemented federally, overall firearm mortality could reduce by 57%.

Thus, we affirm.

## Frontlines

### A2: Cost

#### **UBCs are expensive**

Lott 17 John Lott, 10-5-2017, "Background checks do not diminish crime rates, but can increase them," TheHill

<http://thehill.com/opinion/criminal-justice/353893-background-checks-do-not-diminish-crime-rates-but-can-increase-them> //DF

Polls that ask about specific pieces of legislation also don't show much support. These **background checks are also costly. They can add**, for instance, **north of \$150 to the cost of a gun** in Washington, D.C. That fee can put guns out of reach for the most likely victims of violent crime, such as poor minorities living in high-crime areas. These costs may explain the finding that these checks actually increase some types of crime. Given that Democrats keep pushing for laws after each mass shooting before we even know the facts of the case and that they have nothing to do with these attacks, one may wonder if there are any ulterior motives. Making it costly for the poor to own guns is one explanation.

## **A2: Inelastic**

### **Most criminals don't even use guns in crimes, and those that do face large difficulties in acquiring them**

**Sargent 13** Greg Sargent, 4-3-2013, "Why expanding background checks would, in fact, reduce gun crime," Washington Post, <https://www.washingtonpost.com/blogs/plum-line/wp/2013/04/03/why-expanding-background-checks-would-in-fact-reduce-gun-crime/> //DF Quite often not. Certainly some will find ways to get guns even with background checks. But the studies cited above show that state universal background checks, and state laws that prohibit criminals and other high risk groups from purchasing guns, reduce gun availability of guns to high risk groups. This question also implies that criminals can always find a gun, no matter what we do, which is also inconsistent with the facts. Although a gun is an excellent tool to use if you are a robber for increasing compliance of victims, **only 29 percent of robberies** reported in the National Crime Victimization Survey **involved the robber's use of a firearm.** [8] Data from in an in-depth study of the underground gun market in Chicago found that only twenty percent of male arrestees who participated in an anonymous survey reported that they **had owned a handgun.** Sixty percent of those who did own one reported that it had taken them more than a week to search for and obtain a handgun. Criminals were wary of purchasing firearms from sellers they did not know or trust, often reported difficulty finding a trusted supplier of guns, and faced considerable mark-ups in price from the legal market. [9]

## **Straw Purchasers**

### **Most straw purchasers have connections to the criminal**

**Everytown 08** Mayors Against Illegal Guns, 4-15-2008, "Inside Straw Purchasing: How Criminals Get Guns Illegally," EverytownResearch.org, <https://everytownresearch.org/reports/inside-straw-purchasing-criminals-get-guns-illegally/> //DF Traffickers usually recruit straw purchasers who are close at hand, often a relative or girl- friend.<sup>27</sup> Cash payments for making straw purchases vary from around \$20 to \$100 per gun, our interviews indicate.<sup>28</sup> Straw purchasers are sometimes drug addicts who buy guns in exchange for drugs or money, our interviews indicate.<sup>29</sup> A former Miami gang member, who is now 38 years old, told us: He bought his first gun from a neighbor at age 15 and became a member of the Latin Kings soon after that. "When you're a gang member, you have to carry a firearm." Over four years, he and his fellow gang members made 50 to 60 straw purchases from four gun stores. Their straw purchasers were drug addicts who approached them in a local park and bought guns in exchange for drugs or money. "Where there's dope, there's guns," he said.<sup>30</sup>

### **Women are most commonly the straw purchasers**

**Yablon 15** Alex Yablon, 9-2-2015, "Four Reasons Women Are Such Common Gun Straw Purchasers," Trace, <https://www.thetrace.org/2015/09/operation-lipstick-gun-straw-purchase/> //DF

Since 2012, the Massachusetts-based Operation LIPSTICK ("Ladies Involved in Putting a Stop to Inner City Killing,") has educated women on the dangers of trafficking, supplying, and holding illegal firearms. At the center of a new report released by the organization this week is straw purchasing, or the act of buying a gun on behalf of someone who is prohibited from owning one. While men commit most acts of gun violence, researchers like Dr. Garen Wintemute believe women are disproportionately enlisted into illegally supplying weapons. Nancy Robinson, who leads Operation LIPSTICK, says she compiled the report because female straw purchasers are a largely unchecked problem. "Nobody's connecting these dots," she tells The Trace. "Police haven't searched women and girls. [These women] are not understanding that the guns they're buying are then passed on and used in crimes."

## **Traffickers are very involved in the purchase; they are often in the store, and sometimes even interact with the dealer**

**Everytown 08** Mayors Against Illegal Guns, 4-15-2008, "Inside Straw Purchasing: How Criminals Get Guns Illegally," EverytownResearch.org,

<https://everytownresearch.org/reports/inside-straw-purchasing-criminals-get-guns-illegally/> //DF

A trafficker who uses a straw purchaser to acquire a gun typically "selects the gun and directs the purchase," according to a 2002 United States Attorneys' Bulletin article written by ATF Special Agent Mark Kraft. This pattern held with the traffickers and straw purchasers we interviewed - most traffickers accompanied their straws into the store. Based on a review of information from more than 1,000 gun-related prosecutions, we noted 486 instances where the method of straw purchase could be clearly identified from available court filings. About 60 percent of the time, the trafficker and straw purchaser entered the store together. Traffickers often gave their straw purchasers the money for the guns they wanted before entering the store, although some did not, our interviews indicate. One trafficker, who was also a gang member, told us he always gave his straws the money while they were in the store together - usually in front of the store clerk - because the straw purchasers "couldn't be trusted" with the money.<sup>38</sup> A Virginia trafficker told us that he used his girlfriend as a straw purchaser six times at the same store. He said, "I ran the show. My girlfriend didn't know a gun from a Big Mac." This trafficker was knowledgeable about handguns and had shopped at the store before making straw purchases there. Each time they went into the store together, the trafficker told the store owner which gun he wanted, the owner did a back-ground check on the girlfriend, and then the trafficker handed payment for the gun directly to the store owner. He used other women as straw purchasers at two Virginia pawn shops. "The dealers were more interested in my money being green than who was buying the gun."<sup>39</sup> Many traffickers interact with the gun salesmen, even haggling over price and asking specific questions such as how many bullets the gun carries, our interviews indicate. <sup>40</sup>

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Multiple sales accounted for 20 percent of all traces of guns sold in 2000 and recovered at urban crime scenes that year, according to an ATF study of national trace data.<sup>43</sup> A review of gun-related prosecutions indicates that many traffickers have their straw purchasers buy more than one gun per visit. From a review of nearly 300 prosecutions in the Eastern District of Pennsylvania, we noted at least 185 cases where a trafficker allegedly made one or more visits to a particular store and used a straw to buy multiple guns during at least one of those visits.<sup>44</sup> For example, two traffickers indicted in the Eastern District of Pennsylvania bought 93 guns in 27 visits to the same store over a six-month period.<sup>45</sup> A number of the straw purchasers we interviewed bought more than one gun during each store visit and bought guns more than once for the same trafficker. One straw purchaser bought 16 guns for a man she lived with, who was a felon at the time. She told us that she once bought 10 guns from the same store in one week, and the store gave her a discount for buying so many.<sup>46</sup> A Georgia trafficker we interviewed purchased 15 guns in one visit and 60 more from the same store over a three-month period.<sup>47</sup> A number of straw purchasers we interviewed were asked by

traffickers to purchase multiple guns of the same model. We interviewed a straw purchaser in Ohio who bought 12 Hi-Point handguns over four trips to gun dealers (including two visits to the same pawn shop).<sup>48</sup> One female straw purchaser from Georgia told us: When she was 21, she began dating a man who clearly had a lot of money - he picked her up in a limo on their first date. After dating for a few months, he asked her to buy guns for him. He drove her to the store in his Cadillac Escalade three times in 18 days to buy Brycos for him, she told us.<sup>49</sup> The first time, she bought 11 guns; eight days later, she bought 14 guns; and 10 days after that, she bought six guns, according to her indictment.<sup>50</sup> After one of the purchases, she heard her boyfriend and another man filing the serial numbers off the guns, she said. She later pleaded guilty and testified against her boyfriend.<sup>51</sup> She received probation and paid a fine. Another straw we interviewed was a junior in college when she bought 26 guns from the same Ohio gun store during two visits in 2002.<sup>52</sup> On her first visit, she bought nine guns from the store, five of which were the same model, a Jennings 9mm, according to her indictment.<sup>53</sup> Ten days later, she and the trafficker returned to the same store and bought 17 more guns, including 15 more Jennings 9mms. Traffickers we interviewed usually picked cheap guns for their straws to buy because they could resell these guns at a higher profit than more expensive models. Some of these traffickers mentioned as examples several brands of handgun that they bought for less than \$150. "They were what was common on the streets," according to one straw.<sup>54</sup>

## Trafficking Rates

### **Trafficking is 48% lower in states with background checks**

**Webster 09** Daniel Webster [professor in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health], 2009, "Effects of State-Level Firearm Seller Accountability

Policies on Firearm Trafficking," Journal of Urban Health,

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2704273/pdf/11524\\_2009\\_Article\\_9351.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2704273/pdf/11524_2009_Article_9351.pdf) //DF

Table 3 provides the estimates from two models for regressions on intrastate gun trafficking, model 1 without the local gun ownership prevalence proxy covariate and model 2 with this covariate. When not controlling for local gun ownership levels, strong gun dealer regulation and oversight ( $\beta = -1.92, p=0.042$ ), regulation of private handgun sales ( $\beta = -1.60, p=0.006$ ), and discretionary permit-to-purchase licensing ( $\beta = -1.50, p=0.040$ ) were each associated with statistically significant lower levels of intrastate trafficking. We used the model estimates to calculate the percentage difference between predicted intrastate trafficking had a city not had each of the policies that were significantly associated with lower intrastate gun trafficking and the estimated trafficking levels with each of the policies. Using model coefficients to estimate intrastate trafficking levels had these policies not been in place, we calculated that intrastate gun trafficking was 64% lower in places with strong gun dealer regulations and oversight than, 68% lower in cities where the state had discretionary permit-to-purchase licensing, and 48% lower in cities where the state regulated private handgun sales. Reports by state or local law enforcement that they ever undertake undercover stings of gun dealers were not independently associated with intrastate trafficking levels

## Brady Didn't Work

Brady Bill Greatly reduced the amount of firearm homicides in the US (Giffords Law Center) Brady, 94, 3-1-1994, Effectiveness of the Brady Act and Background Checks, Giffords Law Center to Prevent Gun Violence,

<http://lawcenter.giffords.org/effectiveness-brady-act-background-checks/>, 11-18-2017, (NK) Since the enactment of the Brady law on March 1, 1994, through December 31, 2012, background checks blocked more than 2.4 million prohibited purchasers like domestic abusers, convicted felons, mentally ill persons, and other dangerous individuals from purchasing a firearm or receiving a permit to purchase or carry a firearm. In 2012 alone, background checks blocked 192,043 prohibited persons from gaining access to firearms, including 82,000 felons or roughly 225 felons every day. Statistics reported by the Brady Campaign to Prevent Gun Violence confirm that background

checks work and have had a significant positive impact on national crime rates. **Before the Brady law was enacted, America's gun homicide rate was on a dramatic rise, increasing by 55 percent from 1984 to 1993 even as non-gun homicides were falling over this period. After Brady background checks were required, however, gun murders began to steadily decline and ultimately fell by 32 percent from 1993 to 2006.** The rate of robberies and aggravated assaults committed with firearms also decreased by 42 percent over this period.<sup>6</sup>

AT Cont 3

1. Nonunique; there are already heavy laws stigmatizing mental illness, make my opponents prove why this argument is the tipping point for discrimination, as heavy discrimination already exists. For example, people with mental illness can't do things like enter the military because of ableist policies, which further stigmatizes mental illness
2. TURN: UBC's decrease violence which disproportionately effects people with mental illness, therefore only the AFF can actually change the living conditions of the mentally ill.
3. They literally have no way to solve - the status quo is ableist and the neg does nothing. Only aff has any risk of solvency